
By: **Delegate Sophocleus**
Introduced and read first time: February 26, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Use of Firearm in Commission of Crime**

3 FOR the purpose of making it a misdemeanor to use a firearm in the commission of a
4 felony or a crime of violence; imposing certain penalties; making the violator of
5 a certain crime ineligible for parole for a certain period; providing for the
6 application of this Act; and generally relating to the use of a firearm in the
7 commission of a felony or a crime of violence.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Law
10 Section 4-204
11 Annotated Code of Maryland
12 (2002 Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Criminal Law**

16 4-204.

17 (a) A person may not use [an antique firearm capable of being concealed on
18 the person or any handgun] A FIREARM in the commission of a crime of violence, as
19 defined in [Article 27, § 441 of the Code] § 5-101 OF THE PUBLIC SAFETY ARTICLE, or
20 any felony, whether the [antique firearm or handgun] FIREARM is operable or
21 inoperable at the time of the crime.

22 (b) (1) (i) A person who violates this section is guilty of a misdemeanor
23 and, in addition to any other penalty imposed for the crime of violence or felony, shall
24 be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

25 (ii) The court may not impose less than the minimum sentence of 5
26 years and, except as otherwise provided in § 4-305 of the Correctional Services
27 Article, the person is not eligible for parole [in less than 5 years] FOR THE ENTIRE
28 TERM OF THE SENTENCE IMPOSED UNDER THIS SECTION.

1 (2) For each subsequent violation, the sentence shall be consecutive to
2 and not concurrent with any other sentence imposed for the crime of violence or
3 felony.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
5 construed to apply only prospectively and may not be applied or interpreted to have
6 any effect on or application to any person who uses a firearm in the commission of a
7 felony or a crime of violence before the effective date of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2003.